

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Domenico FANARA et al. :  
Serial No. NEW : **Attn: APPLICATION BRANCH**  
Filed June 27, 2003 : Attorney Docket No. 2003\_0894

PHARMACEUTICAL COMPOSITIONS FOR THE  
CONTROLLED RELEASE OF ACTIVE SUBSTANCES  
**(Rule 1.53(b) Continuation of Serial No. 10/055,962,  
Filed January 28, 2002)**

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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of [X] the references listed on attached form PTO-1449 and/or [] the additional information identified below in paragraph 3. A legible copy of each reference listed on the form PTO-1449 and each U.S. patent application listed below is enclosed, except a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial No. 10/055,962.

1a.     [X] This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, **or**

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

**and thus no certification and/or fee is required.**

- 1b.  This Information Disclosure Statement is submitted after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:
- (1)  the certification of paragraph 2 below is provided, **or**
- (2)  the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.
- 1c.  This Information Disclosure Statement is submitted: after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:
- the certification of paragraph 2 below is provided, and**
- the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.**
2. It is hereby certified
- a.  that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
- b.  that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.
3.  Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
  - a.  a full or partial English language translation submitted herewith,
  - b.  a foreign patent office search report (in the English language) submitted herewith,
  - c.  the concise explanation contained in the specification of the present application at page ,
  - d.  the concise explanation set forth in the attached English language abstract,
  - e.  the concise explanation set forth below or on a separate sheet attached to the reference:
5.  A foreign patent office search report citing one or more of the references is enclosed.

Respectfully submitted,

Domenico FANARA et al.

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Sheet 1 of 1

FORM PTO 1449 (modified)			ATTY DOCKET NO. 2003-0894		SERIAL NO. New		
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			APPLICANT Domenico FANARA et al.				
LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary)			FILING DATE June 27, 2003		GROUP		
Date Submitted to PTO: June 27, 2003							
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,777,033	10/88	Ikura et al.	424	44	
	AB	5,587,179	12/96	Gergely et al.	424	466	
	AC	4,684,516	8/87	Bhutani	424	19	
	AD	5,505,962	4/96	Sparks	424	473	
	AE	4,865,849	9/89	Conte et al.	424	466	
	AF	5,055,306	10/91	Barry et al.	424	482	
	AG	4,906,647	3/1990	Kouchiwa et al.	514	356	
	AH	5,411,748	5/1995	Song et al.	424	559	
	AI	4,755,385	7/1988	Etienne et al.	424	465	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	AJ	0 396 404	11/90	EP			
	AK	94/09761	5/94	WO			
	AL	94 06416	3/94	WO			
	AM						
	AN						
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AO						
	AP						
	AQ						
EXAMINER				DATE CONSIDERED			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.